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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AYLUS NETWORKS, INC., a Delaware
corporation,

Plaintiff,

v.

APPLE INC., a California corporation

Defendant.

CASE NO. 3:13-cv-04700-EMC
**STIPULATION AND [PROPOSED]
ORDER REGARDING EXPEDITED
BRIEFING AND ARGUMENT FOR
AYLUS' AND APPLE'S RESPECTIVE
MOTIONS TO STRIKE (Revised)**

1 WHEREAS, Apple filed its Motion to Strike Expert Declaration of Daniel J. Wigdor in
2 Support of Aylus's Reply Claim Construction Brief on October 9, 2014.

3 WHEREAS, Aylus will file its Motion to Strike Apple's Non-Disclosed Claim
4 Construction Evidence on October 13, 2014.

5 WHEREAS, Apple will file a Second Motion to Strike related to exhibits used in Aylus'
6 Reply Claim Construction Brief.

7 WHEREAS, as regularly noticed, all of the above motions to strike would be heard after
8 the November 10, 2014 Claim Construction Hearing.

9 WHEREAS, both Apple and Aylus seek the Court's rulings on their respective motions
10 prior to the Claim Construction Hearing scheduled for November 10, 2014.

11 NOW, THEREFORE, IT IS HEREBY STIPULATED AND RESPECTFULLY
12 REQUESTED by the parties that the Court issue an order adopting the following schedule for
13 briefing and argument of the parties' respective motions to strike:

- 14 1. Aylus will file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence
15 on October 13, 2014.
- 16 2. By 1 P.M. on October 14, 2014, Apple will file its Second Motion to Strike.
- 17 3. By 12 P.M. on October 15, 2014, Aylus will file its opposition, if any, to Apple's Motion to
18 Strike Expert Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim
19 Construction Brief.
- 20 4. By October 16, 2014, Apple will file its opposition, if any, to Aylus' Motion to Strike
21 Apple's Non-Disclosed Claim Construction Evidence.
- 22 5. By October 16, 2014, Aylus will file its opposition, if any, to Apple's Second Motion to
23 Strike.
- 24 6. By October 17, 2014, both Apple and Aylus will file reply briefs, if any, for all motions to
25 strike.
26
27

1 7. On October 20, 2014, the Court will hear all arguments related to all motions to strike
2 proposed by the parties in this stipulation.

3 [OR AS AN ALTERNATIVE SCHEDULE:]

4 1. Aylus will file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence
5 on October 13, 2014.

6
7 2. By October 14, 2014, Apple will file its Second Motion to Strike.

8 3. By October 15, 2014, Aylus will file its opposition, if any, to Apple's Motion to Strike
9 Expert Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction
10 Brief.

11
12 4. By 12 P.M. on October 17, 2014, Apple will file its opposition, if any, to Aylus' Motion to
13 Strike Apple's Non-Disclosed Claim Construction Evidence.

14 5. By 12 P.M. on October 17, 2014, Aylus will file its opposition, if any, to Apple's Second
15 Motion to Strike.

16
17 6. By October 20, 2014, Apple will file its reply brief, if any, for its Motion to Strike Expert
18 Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction Brief.

19 7. By October 21, 2014, Aylus will file its reply brief, if any, for its Motion to Strike Apple's
20 Non-Disclosed Claim Construction Evidence.

21
22 8. By October 21, 2014, Apple will file its reply brief, if any, for its Second Motion to Strike.

23
24 9. On October 23, 2014, the Court will hear all argument related to all motions to strike
25 proposed by the parties in this stipulation.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: October 13, 2014

3 QUINN EMANUEL URQUHART &
4 SULLIVAN, LLP

DLA PIPER LLP (US)

5 /s/ Amar L. Thakur

/s/ Mark D. Fowler

6 Harold A. Barza
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9 Attorneys for Plaintiff,
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10 Attorneys for Defendant,
11 Apple Inc.

[PROPOSED] ORDER

1
2
3 Aylus shall file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence
4 on October 13, 2014. By 1 P.M. on October 14, 2014, Apple shall file its Second Motion to
5 Strike. By 12 P.M. on October 15, 2014, Aylus shall file its opposition, if any, to Apple's Motion
6 to Strike Expert Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction
7 Brief. By October 16, 2014, Apple will file its opposition, if any, to Aylus' Motion to Strike
8 Apple's Non-Disclosed Claim Construction Evidence. By October 16, 2014, Aylus will file its
9 opposition, if any, to Apple's Second Motion to Strike. By October 17, 2014, both Apple and
10 Aylus will file reply briefs, if any, for all motions to strike. ~~On October 20, 2014, the Court, at the~~
11 ~~Claim Construction Tutorial, will hear all arguments related to all motions to strike proposed by~~
12 ~~the parties in this stipulation.~~ Motions 65, 67 and 69 to be heard on
13 Wednesday October 22, 2014 at 12:30 p.m.

14 ~~[OR]~~

15
16 Aylus will file its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence
17 on October 13, 2014. By October 14, 2014, Apple will file its Second Motion to Strike. By
18 October 15, 2014, Aylus will file its opposition, if any, to Apple's Motion to Strike Expert
19 Declaration of Daniel J. Wigdor in Support of Aylus's Reply Claim Construction Brief. By 12
20 P.M. on October 17, 2014, Apple will file its opposition, if any, to Aylus' Motion to Strike Apple's
21 Non-Disclosed Claim Construction Evidence. By 12 P.M. on October 17, 2014, Aylus will file its
22 opposition, if any, to Apple's Second Motion to Strike. By October 20, 2014, Apple will file its
23 reply brief, if any, for its Motion to Strike Expert Declaration of Daniel J. Wigdor in Support of
24 Aylus's Reply Claim Construction Brief. By October 21, 2014, Aylus will file its reply brief, if
25 any, for its Motion to Strike Apple's Non-Disclosed Claim Construction Evidence. By October
26 21, 2014, Apple will file its reply brief, if any, for its Second Motion to Strike. On October 23,
27

1 2014, the Court will hear ~~all~~ arguments related to all motions to strike proposed by the parties in
2 this stipulation.

3
4
5 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

6
7 Dated: October 15, 2014

By: _____

